

STATE OF WYOMING
BUREAU OF LAND MANAGEMENT

Re Organizing the
ACCESS PROGRAM

In 1980 when I took the job of Access Specialist in the Rawlins District, easement acquisition was a viable and ambitious Bureau Program. There were five specialists in the state, one in the State Office and one in each district. The program was totally funded, at that time, out of 2300 Access. Our accomplishments varied from twenty to thirty easements per year. Each of the specialists in the district and the state office were fully funded and worked full time in the program. Ajax Kennedy was the Access Coordinator in the State Office and the driving force behind the program.

Ajax retired around 1985 and the program lost its momentum. His duties were assigned as a part time function to other positions; and the program has been a part time function ever since. We did some Zoning in the late eighties when funding was first trimmed Rawlins and Casper split the Worland workload. Funding had depleted to the point that benefitting activities paid for most of the work months and some of the purchases. Two years ago the 2300 program was abolished and benefitting activities now pays for the whole show. One access specialist retired recently, two are part time at best and one is almost full time. Two are old enough to retire and the third is 'getting there'.

Two things are needed to have an active program of any kind: funding and support. Neither will suffice without the other. When the access program was full time, priorities were fairly well planned out and future access needs were addressed. Later on the program became a reaction to public complaints when they were blocked from public land. Then it became a smoke screen for public interest groups. A system was devised to respond to the complaints and they appeared to go away. We still have access complaints, we just do a little better job of sweeping them under the table. But without the catalyst, the access program lost a lot of its emphasis.

Managerial support has been poor to moderate; very good in only two cases. I have worked under four district managers since 1980 and only one ever took the time to go to the field with me to see what I was working on. One area manager told me he didn't need any easements; if any access problems came up, his solution would be to simply move the road. Another area manager would like to have me work for him full time. The rest are somewhere in between. A lot of the resource people do not have a concern until a special project is blocked or rejected.

Attachment 1 (5 pp)

They fail to realize (or remember) that this process normally takes two or three years and sometimes ten or eleven. And if a big problem arises, the project is usually abandoned. I have never thrown away an easement case file because once in a great while the project is revived and I would otherwise have to start from scratch. There are five boxes of easement files in the warehouse that I have had on Hold for up to 15 years. Probably close to 100 easement projects that were started up but cancelled out for some reason or another.

SO what should we do with a waning program that nobody claims, few will support, but everyone needs, composed of three old timers that could hit the road just about any time?

There has been some recent talk about zoning. Considering the limitations on man power, that is the logical solution. The proposal would split the state in half, north and south, zoning Rawlins and Rock Springs together for the south half, and Casper and Worland together for the north half. A lot of the access work in Rawlins at the present time is in Sweetwater County. The county seat is in Green River which is pretty handy to RockSprings.

Things are kinda of slow in the Lander RA right now but are bound to pick up as soon as they get their access needs prioritized. Lander might be serviced easier from Rock Springs than Worland, Buffalo or Cody depending where the North Zone Access Specialist would be stationed. Most of Great Divide's future needs are in the western part of the resource area with the exception of Shirley Mountain. Title work for Shirley Mountain would fall in Rawlins, about 110 miles from Rock Springs. This is still much closer than Cody is to Rawlins which is about 300 miles. The Rawlins Access Specialists presently does the Cody easement work. I am not familiar with the access needs of Rock Springs District.

Most of my work in the Worland District has been in the Cody RA. They have a very active Access (Easement) Program but that may change if and when managership changes. I have a couple of projects out of Worland in the Big Horn Basin RA but most of their work was done by Terry Matchett out of Casper. He retired in January but there is still work to do in BHB RA. The Buffalo RA has told me they have quite a few access needs. I understand the rest of the Casper District is either on hold or they have gotten about all they think they can get.

Zoning is a short term solution to a long term problem. In two or three years probably all the present Access (easement) specialists will have retired. But there will continue to be

access needs. We have identified about 100 access priorities in the state. Some of these will change, some will be accomplished but as recreation continues to grow in Wyoming and more and more folks decide to play on the public lands, more access needs will be identified. The work will still be there but before too long there won't be anyone around that is qualified to do it. This will necessitate training new people and starting up the program from scratch. This will also create a gap of another two or three years until we can get back into production again. The Bureau's Easement Training Program has pretty well diminished as I understand it. The last I knew it was a small (two day) portion of the Lands and Realty training. When I started in this business the training consisted of four courses in four different locals, of one week each. 'Easement Principles' 'Easement Acquisition' 'Easement Negotiations' and 'Easement Problems'

At one time it was considered best to combine Access and Realty in the Resource Areas and in some areas I think that is the situation. But the access work has fallen prey to the Realty priorities and probably always will. Access (easements) has little or no emphasis at the Washington Office level. I think the last Bureau wide Access Workshop was at least four and maybe five years ago. I haven't seen any correspondence from WO for at least two years. And as I explained earlier, access training is pretty much nil for the most part.

SO, in order to perpetuate the program, it is imperative that we think about replacing our specialists. . .soon. I propose a Mentor, or Apprentice type program while we still have the expertise. For the next couple of years the specialists need to work with some younger person that would like to learn how to acquire easements. It is very important that the apprentice have a genuine desire for this type of work. It can be interesting, and very challenging. Once in a while it is rewarding and it can be an opportunity to advance a career. But I would like to stress once again, it will not work as additional duties to a realty specialist unless some present duties are relieved beforehand. What little emphasis we have on access ,presently, will soon be lost to higher ??? priority rights of ways and other realty work.

Ideally, funding should come from a designated code, with a designated program like we had for the 2300 program until two years ago. Without it, we are dependant on benefitting activities and access usually gets the scraps that are left behind. Some juggling of positions will be required to give the 'apprentice' time to devote to this very important function.

There are some other problems in the Access (easement) program:

Wyoming State Office Coordination

Appraisal Requests

Survey Requests

Drafting Requests

Title Insurance

WSO Coordination

By regulation we are required to channel all Pre-Title and Final Title requests to the U.S. Solicitor through the State Director. This requirement slows down the approval process. Considerable time could be saved if the Access Specialist could correspond directly with the Solicitor. Once a land owner grants BLM an easement they prefer prompt payment. We cannot make payment until we get approval from the Solicitor and sometimes that takes a year or two.

In the past, a lot of the hang up has been in the Solicitor's Office. Easements are their lowest priority and they "will get to them when we get to them". In one particular instance, the solicitor's office totally ignored the original and two follow up memos from our Wyoming State Director. This last year or so the response from the U.S. Solicitor's Office has been much better.

All applications for State of Wyoming easements must be coordinated through their land commissioner's office. These are low priority on the Commissioner's list and have been known to lay idle for years and years. Like other aspects of the easement acquisition process, it requires constant 'badgering' to get anything done. This function might be better utilized if the Access Specialist conferred directly with the Land Commissioner's Office.

Appraisal Requests

The Access Specialists have been given the authority to determine fair market value of any easement under \$2500. For higher values an appraisal is required. Depending on the time of year, turn around can be anywhere from 60 to 120 days. Sometimes this is not a problem. But in cases where we have to act and act fast or face missing an access opportunity, this delay can jam up the works.

Survey Requests

Turn around on survey requests varies but is usually very slow and once in a while must be done by contract. That just adds more to the delays and encumbers timely acquisition.

Drafting Requests

Once the survey is completed, it many times takes months or even years to get the plat. Though not recommended, negotiations can resume without an easement plat. But before approval can be procured, the easement plat must be in hand. Both our own regulations and the county clerk's require an easement plat. Drafting is done with the aid of Auto Cad by one person in the state office. This is an additional duty and many times is low priority. Some system must be devised where the district and or resource area can complete their own easement plats.

Title Insurance

Again this varies with county and with the title company. Sometimes the interim binder can take up to six months and the policy another six months. There has to be some way to get faster service from these outfits. But for the present we are at their mercy. We generally pay them \$125 for the policy which is probably not worth their effort. In fact I had one company tell me that. He went on to say "You're on the bottom of the pile and I'll get to it when I get to it".

As the delays accumulate, its no wonder it takes years to get an easement. Those words kind of sum up the status of the Access Program. We are on the bottom of everyones pile and unless things change somewhere along the line, this program is just going to disappear.

A few years back, a feller called me one nice spring day and asked what kind of a job I had that kept me in the office. I told him that I was a "Waiter". I am either waiting on Lawyers, or Area Managers, or resource specialists, or engineers, or draftsman, or appraisers, or title companies, or solicitors, or land owners. I've been waiting on my wife for 20 years, I waited six months the last time I ordered a gun, but on that particular day I had been waiting for license plates for six weeks so that I could go to the field in my new BLM pickup.